

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated January 21, 2009 has been received and its contents carefully reviewed.

Claims 1-5 are hereby amended. Claim 6 was previously canceled and claims 36-40 are hereby canceled. Accordingly, claims 1-5 and 7-35 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

Claims 1-5 and 7-40 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Office Action* at p. 2, ¶ 3. Applicant has amended claims 1-5 and respectfully requests that the Examiner withdraw this rejection.

Claims 1-5, 8, 9, 11-18, 20-30, 32, and 35-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,770,376 to Sharpe (hereinafter “*Sharpe*”). *Office Action* at p. 2, ¶ 3. The rejection of claims 36-40 is moot as claims 36-40 are canceled herein. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Independent claims 1-5 are allowable over the cited references, in that claims 1-5 similarly recite a combination of elements including, at least, “supplying water to a tub with rotating the tub without introduction of laundry into the tub, wherein supplying water and rotating the tub are performed at the same time; ... removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub; soaking the contaminants for a predetermined time period by holding the tub and the pulsator stationary.”

As required in Chapter 2143.03 of the MPEP, in order to “establish prima facie obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” The Applicant submits that *Sharpe* does not teach or suggest each and every element recited in claims 1-5, 8, 9, 11-18, 20-30, 32, and 35-40.

As admitted by the Office, *Sharpe* discloses rotating the tub after the tub has been filled with the water and then drained. *See Office Action* at p. 3. That is, rotating the tub is performed after the water supply is completed. In contrast, Applicant claims “supplying water and rotating the tub are performed at the same time.” Accordingly, *Sharpe* fails to teach or suggest “supplying water to a tub with rotating the tub without introduction of laundry into the tub, wherein supplying water and rotating the tub are performed at the same time,” as recited in independent claims 1-5.

The Office asserts that “the *Sharpe* disclosure of energizing the main motor after the water supply is completed ... reads on the claims since, during the filling, water in the tub will soak the contaminants for the time period while the tub is stationary, i.e., before the agitator starts.” *Office Action* at p. 12. Applicant respectfully disagrees. Independent claims 1-5 recite, “removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub” and then “soaking the contaminants for a predetermined time period by holding the tub and the pulsator stationary.” Thus, the soaking step is performed after the removing step by rotating the pulsator and the tub.

Sharpe’s soaking step, as asserted by the Office, is performed during the water supply. Further, as admitted by the Office, only after this water supply is completed, the agitator is operated for the first time, and during the water supply or before the water supply, neither the agitator nor the tub is operated. *See Office Action* at p. 12. Assuming *arguendo* that the water supply of *Sharpe* could be construed as the claimed soaking step, then *Sharpe* fails to disclose a removing step by rotating the tub or the pulsator, which intervenes between the water supplying and the alleged soaking. Therefore, *Sharpe* fails to teach or suggest not only “removing contaminants stuck to a surface of the tub by rotating a tub or a pulsator in the tub” but also “soaking the contaminants for a predetermined time period by holding the tub and the pulsator stationary,” as recited in independent claims 1-5.

Additionally, independent claims 3-5 further recite “draining water from the tub a first time” and then “supplying water to the tub a the second time.” The Office asserts that “*Sharpe* discloses spraying water to the tub, which reads on supplying water to the tub for a second time and rinsing the surface of the tub ... and draining water from the tub for a second time.” *Office Action* at p. 4. The Office relies on the disclosure found in col. 5, lines 46-52 of

Sharpe to support this assertion. *Sharpe* discloses that “[d]uring the 23rd timer impulse, timer switch contact 14 is closed to initiate a brief ... spray of fresh clean water.” *Sharpe* at col. 5:46-52. The 23rd timer impulse, however, belongs to a “Spin” portion of a sanitizing cycle. *Sharpe* further discloses that a drain pump 76 operates continuously during the “Spin” portion to drain sanitizing solution, and the clean flushing water sprayed during the 23rd timer impulse is also drained during the “Spin” portion. *See Sharpe* at col. 6:6-11. Therefore, *Sharpe*’s alleged supplying water for the second time is performed during draining water for the first time. For these reasons, *Sharpe* fails to teach or suggest “supplying water to the tub a the second time” after draining water for the first time as recited in independent claims 3-5.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. §103(a) rejection of independent claims 1-5. Claims 8, 9, 14-18, 20-30, 32, and 35 depend from independent claim 1 and claims 11-13 depend from independent claim 2. It stands to reason that the 35 U.S.C. §103(a) rejection of those dependent claims should be withdrawn as well.

Claims 7, 10, 31, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sharpe* in view of KR 20010093969 to Kim (hereinafter “*Kim*”). *Office Action* at p. 10, ¶ 6. Applicant respectfully traverses this rejection and requests reconsideration.

As set forth in the Office Action, *Kim* is used to disclose “a washing machine tub cleaning method wherein a water current is made to rise along the tub wall due to a rotating pulsator.” *Office Action* at p. 10. Therefore, *Kim* fails to cure the deficiencies of *Sharpe* with respect to independent claim 1. Claims 7, 10, 31, 33 and 34 are allowable at least by virtue of their dependency from claim 1.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sharpe* in view of JP 2002346288 to Iwai et al. (hereinafter “*Iwai*”). *Office Action* at p. 11, ¶ 7. Applicant respectfully traverses this rejection and requests reconsideration.

As set forth in the Office Action, *Iwai* is used to disclose “a method of using a washing machine including a housing unit for use with a sterilizing agent which includes a hydantoin halide compound for releasing a hypohalogenic acid by water contact.” *Office Action*

at p. 11. Therefore, *Iwai* fails to cure the deficiencies of *Sharpe* with respect to independent claim 1. Claim 19 is allowable at least by virtue of its dependency from claim 1.

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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